

REMARKS

The Examiner is thanked for the thorough examination of the application. The specification has been amended to add and improve subject headings.

Claims 18-35 were pending in the application. Claim 27 has been amended in a non-narrowing fashion. Claims 29-35 are newly presented for consideration on the merits. Support for new claims 29-34 can be found in Figure 5 and at page 12, lines 14-17 of the specification. Support for new claim 35 can be found at page 10, lines 11-13 of the specification. No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §103(a)

Claims 18-28 have been rejected under 35 USC §103(a) as being unpatentable over KURZ et al. (U.S. Patent 3,451,842) in view of VAN OOST (U.S. Patent 5,391,595). This rejection is respectfully traversed.

The present invention pertains to a method of producing an impregnated foam product. Claim 1 recites, in part, "engaging an open cell polymeric foam element with at least a first perforated roller" and "feeding a binder through the first roller."

KURZ et al pertains to a method of impregnating a foamed plastic. KURZ et al. at column 2, line 68 mentions

"rolling or pressing." KURZ et al. fails to disclose or suggest impregnation using a perforated roller.

The Official Action refers to VAN OOST and asserts that the reference teaches perforated rollers. The roller of VAN OOST is depicted in Figure 2 of the reference, which is reproduced below.

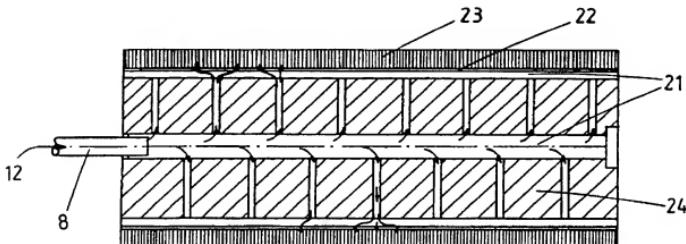


Fig.3

VAN OOST at column 3, lines 55-62 states:

The first roller 2, represented in detail in FIG. 3, comprises an internal cavity 21 which is supplied with paint via a supply duct 8. The duct is at least over a part of its length flexible. The paint is uniformly distributed on the external periphery of the roller and passes through the permeable cylinder 22 which supports the external skin 23 of the roller. The cavity can partially be filled with non-saturable light foam 24.

There is thus no teaching or suggestion that the "permeable cylinder 22" is perforated. Since the technology of

VAN OOST is directed to the application of low viscosity paint, not a slurry, the "permeable cylinder 22" is probably a membrane.

VAN OOST additionally fails to disclose or suggest the compression of the surface to which the paint is applied (see claim 24 of the present invention) and the passing of the foam element between a set of rollers (see claim 27 of the present invention).

Also, VAN OOST relates to an entirely different class of product and application, as compared to the present invention and KURZ et al. The present invention and KURZ et al. pertain to the impregnation of open cell polymeric foam elements with a binder, but VAN OOST relates to the application of a liquid, such as paint, to a surface. See VAN OOST at column 1, line 5. VAN OOST thus represents non-analogous art that would not be utilized by one of ordinary skill.

As a result, the teachings of KURZ et al. and VAN OOST would not cause one of ordinary skill to produce claim 18 of the present invention. A *prima facie* case of unpatentability has thus not been made. Claims depending upon claim 18 are patentable for at least the above reasons.

Even if one assumes *arguendo* that the combination of KURZ et al. with VAN OOST is sufficient to allege unpatentability, this unpatentability would be rebutted by the unexpected results of the present invention.

The method as claimed in claim 18 has the benefits of avoiding the difficulties described in the paragraphs at page 13, lines 5-16 of the specification. Additionally, the method of claim 18 has the new and unexpected results as described at page 13, lines 16-24 of the specification. The method allows for the accurate control of the degree of impregnation, for self purging, for the varying of the rheology and apparent viscosity of the binder without process difficulty, and for the inclusion of a heavily or totally impregnated outer layer for added strength and water resistance of the final product.

The advantages of the invention over the conventional and non related art typified by KURZ et al. and VAN OOST are thus clear.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed February 15, 2005 and for making an initialed PTO-1449 Form of record in the application.

The prior art cited but not utilized is believed to be non-pertinent to the presently claimed invention.

It is believed that the rejection has been overcome, obviated, or rendered moot, and that no issue remain. The Examiner is accordingly respectfully requested to place the

application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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